

RESOLUTIONS
JUNE 15, 2021

Thomas & Megan Collard
48 Shrewsbury Drive
(Block 126, Lot 7, R-1 Zone)

Gerald & Sara Brown
3 Circle Drive
(Block 13, Lot 12, R-3 Zone)

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 126, LOT 7**

WHEREAS, THOMAS AND MEGAN COLLARD have applied to the Board of Adjustment of the Borough of Rumson for permission to construct a new two-car detached garage at the existing premises located at 48 Shrewsbury Drive and known as Block 126, Lot 7 on the Tax Map of the Borough of Rumson, and which premises are in the R-1 Zone; and

WHEREAS, on May 18, 2021, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned Application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and the public, including Site/Architectural Plans, Sheets Z1, Z2, Z3 dated 4/23/21, revised 6/3/21 by A. Shissas R.A.; Survey by C. Surmonte, L.S. dated 3/17/14 and Administrative Officer Data Sheet, has made the following factual findings:

1. The Property is an existing two-story single-family residence with a one-car attached garage, patio, in-ground pool, and two sheds, located on an almost rectangular 1.52 acre lot having 201 feet frontage on Shrewsbury Drive and depth of about 316+ feet. The Applicant proposes to construct and add a new two-car detached garage with a stairway to a second floor storage area. The new garage will not be heated or air conditioned and will be approximately 24' by 26' with a 3.5 foot wide staircase. The Application requires a variance as in the R-1 Zone, garage doors must be oriented so as not to be visible from the street frontage, river frontage, or public right-of-way. The garage doors here are to be oriented to the Shrewsbury Drive frontage. The Application initially also requested a variance for accessory buildings exceeding 30% of the floor area of the principal building ground floor area. That variance request was eliminated by the Applicant volunteering to remove the existing shed now located to the east of the proposed garage.
2. The existing house contains a built-in one-car garage, which is a zoning non-conformity as the R-1 Zone requires a two-car garage. The Applicant and their architect's testimony was to the effect that the house has insufficient storage space and that the existing one-car garage is inadequate for the family vehicles and household storage needs. The testimony indicated that due to the layout of the existing house, locating the garage with its doors oriented to the side or

rear property line was impractical and would require very substantial additional pavement.

3. The testimony further indicated the new garage would be setback about 175 feet from Shrewsbury Drive and would be substantially screened by existing and new trees and screening plantings. No neighbors or objectors appeared.
4. After some discussion, the Board accepted that a new two-car garage with second floor storage would enhance the function and utility of the property. There was discussion as to the Applicant re-orienting and decreasing the entryway into and the size of the parking court in front of the new garage and placing additional screen plantings directly in front of the parking courtyard and garage so as to effectively block the visibility of the garage doors from Shrewsbury Drive. The Applicant agreed to the suggested revisions and that revised Plans with those revisions would be submitted to the Board for its review and approval at the June 15, 2021 meeting prior to the adoption of this Resolution. Subject to that review, the Board approved the Application. The Board concluded the property has substantial size and that the new garage can properly be constructed and will enhance the function and utility of the property. The garage door issue can be addressed by the enhanced screening, and the alternative would result in substantial impervious surface that is unnecessary.
5. The revised Plans showing the revised entryway into the parking courtyard and the enhanced screening plantings in front of the garage/parking courtyard were reviewed at the June 15, 2021 meeting and determined as appropriate to mitigate any impacts from the garage door orientation. The Plans as revised were approved.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the Application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the Applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 15th day of June, 2021 that the Application of THOMAS AND MEGAN COLLARD for a variance to construct a new two-car detached garage on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon

the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.

2. All factual representations made on behalf of the Applicants are incorporated herein as conditions of this variance.

3. The action of the Board of Adjustment in approving this Application shall not relieve the Applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.

4. Prior to issuance of any Certificate of Occupancy the Applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.

5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:

a. Evidence must be provided by the Applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the Applicant.

d. Any outstanding review fees or escrow deficiency must be paid.

e. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

Above Resolution moved by
seconded by , and on roll call the
following vote was recorded:

In the Affirmative:

In the Negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on June 15, 2021, as copied from the Minutes of the said meeting.

DATE: June 15, 2021

Secretary
Board of Adjustment

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 13, LOT 12**

WHEREAS, GERALD AND SARA BROWN have applied to the Board of Adjustment of the Borough of Rumson for permission to construct a cabana, pool, pergola and outdoor kitchen in the rear yard at the existing premises located at 3 Circle Drive and known as Block 13, Lot 12 on the Tax Map of the Borough of Rumson, and which premises are in the R-3 Zone; and

WHEREAS, on April 20, 2021 and May 18, 2021, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including Site/Architectural Plans by A. Condouris, R.A., Sheets V1 and V2, dated 1/26/21 last revised 5/6/21 and the Administrative Officer Data Sheet, has made the following factual findings:

1. The Property is an existing 4258 s.f. single-family house located on a .76 acre conforming rectangular lot having 125 feet frontage on Circle Drive and depth of 265 feet. The Applicant initially proposed at the April 2021 hearing to construct and add in the rear yard a pool, cabana, pergola and outdoor kitchen as shown on the original plans. The original Application requested variances for lot coverage (7326 s.f. existing, 8398 s.f. permitted, 9129 s.f. proposed) and building coverage (3071 s.f. existing, 3528 s.f. permitted, 3627 s.f. proposed).
2. The initial Plans were presented by the Applicant and their architect at the April 2021 hearing. However, as the lot is regular and conforming in size (.75 acre required, .76 acre existing) and is rectangular in shape, there was an insufficient basis presented for the substantial lot coverage and building coverage exceedances requested by the Applicant. After some consideration and discussion, the Applicant requested a continuance to consider revising the Plans to more closely conform to the Ordinance limitations. No objectors or neighbors appeared. The continuance was granted to the May continued hearing.
3. At the May meeting, the Applicant presented the revised Plans (revised 5/6/21). Those Plans decreased the size of the pool and eliminated a portion of the proposed

patio to the side of the cabana. Those revisions reduced the proposed lot coverage as follows (7236 s.f. existing, 8398 s.f. permitted, 8793 s.f. proposed). The building coverage would remain as 3528 s.f. permitted, 3627 s.f. proposed. The new cabana will not be heated and will be used as a cabana only and not as separate sleeping quarters or as an apartment. No objectors or neighbors appeared.

4. With the above revisions, the Board concluded the revised Plans could be approved. The property has a substantial rear yard that has adequate landscape screening, and has sufficient room for the proposed improvements. The exceedances as to lot coverage and building coverage have been reduced to relatively limited amounts, which will not adversely impact neighboring properties or the Zone Plan. The improvements will increase the function and utility of the property, without any significant adverse impacts.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the Applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 15th day of June, 2021 that the Application of GERALD AND SARA BROWN for a variance to construct a cabana, pool, pergola, and outdoor kitchen in the rear yard on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the

project or for any damage which may be caused by the project.

4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.

5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:

a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.

d. Any outstanding review fees or escrow deficiency must be paid.

e. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

Above Resolution moved by
seconded by , and on roll call the
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In the Affirmative:

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